Previous references.

Ch 114-09

1910.

(Court)

File No. 212-10

Serial Nos. 1-4

Later references.

Ch. 118-12

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-4

Part B. for May. 11

SUBJECT.

Confirmation of Mr. B. Nagappa, Sub. Judge Bangalore, as Asst. Comr. 1st class

Table of Contents

1. From Mr. S. Ismay, Chief Judge Bangalore. memo dt 11/3/11 forwards a letter from Mr B. Nagappa praying for Confirmation,

2- From Mr. Nagappa. D.O. No 81 dt 12.4.11. Enquires if he has passed the Rev & Regis Lets

3- From Mr Nagappa. D.O dt 13.4.11. Requests for reasons given to be exempted from passing the examination

G. R. S. 58

4- To the Regr. Chief Court & Comptroller No J 3277-84 dt 26. States the question of Confirmation will be considered after the probation

[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

G.R.S. 11] 190–11

GENERAL AND REVENUE SECRETARIAT

(Courts)

NOTES.

Cts. File No. 212-10.

FILE HEADING.

Confirmation of Mr. B. Nagappa, Sub Judge, Bangalore, as an Assistant Commissioner, 1st Class.

From

S. Ismay, Esquire, C.S.I. Chief Judge, Bangalore.

No. — Dated 11-3-1911. Received 17-3-11.

Diary No. 2334 | Enclos. 3 | Spare Copies | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for favourable Consideration, a letter from Mr. B. Nagappa Sub Judge, Bangalore, requesting that he may be Confirmed in the grade of Assistant Commissioners, 1st Class, from the date of his joining duty without any further period of probation.

NOTES AND ORDERS.

Flag X

Submitted for orders, with Courts File No 114 of 1909-10, regarding the appointment of Mr. B Nagappa as Sub Judge, Bangalore

Hes(122) 17-3-11.

2) Mr. Nagappa's appt was on probation for three years from Nov. 09. He prays that he may

SN(11) 18/3/11

NOTES—First sheet.

GPB—15,000—24-4-09

G. R. S. 12]
General and Revenue
Secretariat.

File No. 212 of 1910-11

Serial No.

be confirmed, as Mr. J. H. Bhabha, in whose place he was appointed, has resigned service and there is a permanent vacancy. [illegible] 30/3/11
Secretary)

Confidential collection no. 179 relating to the appointment of Mr. B. Nagappa as Sub-Judge, is put up. Flag Y
[illegible]
20/3/11

3) The papers show that Mr. Nagappa has been appointed on probation for three years. As he joined his appointment in Nov^r 1909 his probation extends up to Nov 1912.

4 It is a matter for consideration whether his probation should be terminated now & his confirmation ordered. It has also to be noted that Mr. Nagappa does not appear to have passed the Revenue & Registration tests prescribed for asstt commrs but it presumed that it is not considered necessary to insist on his passing them. He will have to be specially exempted from passing those tests.

2nd C^r & Secy) CSB 30/3/11

Where is the Bhavnagar's letter forwarding Mr. N's application?

30/3/11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Cto. File No. 212 of 1910-11

Serial No. 5

Sub+ Cts File No 40 of 1910, S. nos 1-3 contain(s) the following papers vide pages 4 & 5 of the Index note - (Flag R) SM 3/4/11

I recollect that the question of Mr. Nagappa+ being confirmed was raised in some connection (perhaps of his transfer). Please let me see those papers. —

2/4/11 HM

The papers are putup. CBB 4/4/11

under).

× Flag R

Subh No 122 5.4.1911

Except the inconvenience and irregularity of allowing Offrs who have been taken into service on a particular understanding + ~~case~~ to attempt to get rid of the condition, I see no reason against Mr. Nagappa being confirmed.

DSwamy 4/4/11 HM

10936 5.4.11

Does Mr Nagappa realise that there are certain tests for him to pass before confirmation? If not he will be told by DO letter 6/4/11

NOTE—Contn. sheet.

GPB—50 00+—12-8-10

Please put up do CBB 7/4/11

Serial No.	
	Draft DC Sanctd.
	TM-30
	12/4/11 Subd to 2nd Cr before issue.
	CSB 12/4/11
	Draft approved by 2nd Commissr.
	CSB 12/4/11
	Issue CSB 12/4/11
2.	DC no 84 dy 12th april 1911 to Mr B. Nagappa Sub. Judge Bangalore. Requesting him to state whether he has passed the Registration and Revenue Examinations prescribed for the grade of assistant Commissioners.
3.	D.O. dy 13th april 1911. From Mr B. Nagappa. Requests for reasons stated by him that he may be confirmed as asstt Comr. first class without being insisted upon to pass the Revenue and Registration Examinations. There seems to be some force in Mr Nagappa's argument & it seems desirable to exempt him from passing the Rev & Regn

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Sub^n 122.
5.4.1911

5

Serial No.

tests.

2nd C^r (Sadewar) CBS
18/4/11

Hm
18/4/11
CBS

11135
18. 4. 11

Circulated to 1st Commissioner (I understand the 2d Commissioner intends to mean that he agrees with the accompanying note)
Sdn 19/4/11

Sub^n to 1st C^r
CBS
20/4/11

Mr. Nagappa has fully justified his appointment to the judicial service of the State. I heard a good deal of croaking at the time, but it is all silenced by the quality & quantity of work turned out by him as subordge of Bangalore. The Chief Judge whom it is not easy to please has recorded a very favourable opinion of him. There is no need to continue

NOTE—Contn. sheet.

GPB—55,000—27.4.09

Serial No.

the period of probation any longer. Mr Nagappa may be confirmed in his present grade. A sub-proteem appt has certain disabilities attaching to it. The confirmation may be made with retrospective effect.

Mr Nagappa was not called upon to pass the Local service Examinations which probably accounts for his not appearing for them. He has given good grounds for not being now called upon to pass them. At all events this need not stand in the way of his confirmation.

21/4/11

Dewan

11205

21.4.11

24/4

Submitted to His Highness.

Paper under disposal.

I submit for orders an application from Mr. B. Nagappa, Sub-Judge, Bangalore, praying that he may be confirmed in his appointment with effect from the date on which he joined duty (10th November 1909), the three years' probation prescribed for him at the time of appointment being cancelled. The application has been received with an endorsement from the Chief Judge who says that he "is not aware of the terms of Mr. Nagappa's appointment and therefore he is unable to say whether the claim to be confirmed is wellfounded" but that "he has no objection to place on record that Mr. Nagappa has done very good work and has evolved some degree of order out of absolute chaos".

on back of application.

2. The Second Councillor remarks that except for the inconvenience and irregularity of altering settled terms, he sees no reason against Mr. Nagappa being confirmed.

Page 3 of office notes.

3. Mr. Nagappa's attention having been drawn to the Local Service tests which Assistant Commissioners have to pass under the Civil Service Rules (Revenue higher and Registration in his case), he argues that under the terms of his appointment he is not required

J

to pass any tests, and that these tests are unnecessary in his case as he is a barrister of nearly 10 years' standing and practised in all classes of Courts (including Revenue Courts) in Mysore and Madras for 8 years, and has himself been an examiner for the Mysore Local Service Examinations.

4. The Second Councillor appears to acquiesce in this view. The First Councillor says that Mr. Nagappa has fully justified his appointment, and he is also of opinion that he may be confirmed without any further probation and without insisting on his passing any of the tests.

Pages 5 & 6 of file note.

5. I submit the papers for orders. In my opinion it seems that Mr. Nagappa may be exempted from passing the examinations and that the question of his confirmation may be taken up at the end of the probationary period.

P Ramakar Rao
25 Apr 11

bu

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Application of Mr. B.Nagappa, Sub-Judge, Bangalore praying for confirmation in his appointment before the prescribed period of probation.

25.4.11
1963.

668

Order.

~~KRM~~
9/5/11

Recd
Petn to
9/May 11

Putup d app-
13/5/11

13/5/11

13/5/11

13/5/11

G. R. S. 12]
General and Revenue Secretariat.

Cts File No. 212 of 190-11

Serial No.	
	Draft Submitted A C3 (122) 17.5.11. SN (11) 18.5.11 18/5/11 Sec'y 2nd C'r CSR 18/5/11 SA 19/5/11 Draft appd. by 2nd Councillor 20.5.11 MSS Issue CSR 20/5/11 SA 20/5/11
4	To the Registrar, Chief Courts Compr. to Govt. No. 3277-8 dt. 26.5.11. The question of Mr. Nagappa's Confirmation will be taken up at the end of his probationary period. He is however exempted from passing the local service tests Revenue, Higher and Registration

NOTE—Contn. sheet.

GPB—55,000—27-4-09

J2384

Infantry Road, Bangalore.

10-3-1911.

To,

Stanley Ismay, Esquire., C.S.I

Chief Judge.

B A N G A L O R E.

My Dear Sir,

1 Permit me to lay before you the following few facts and to solicit your kind support.

2 I was appointed an Assistant commissioner of the 1st: class Sub protem in the place of Mr: J.H. Bhabha on the 7th: November 1909. Mr: J.H. Bhabha resigned the appointment about a year ago, and thus a permanent vacancy was created. I have now put in a service of 16 months.

3 I beg leave to lay before the Government (through you) some points relative to my work ~~then~~ during the said period of 16 months. I pray that I may not be considered egotistical in doing so. I have enclosed herein a statement showing the arrears of work pending at the time of my taking charge of the office, the disposal of cases by me and the result of appeals filed against my decisions, and a statement showing disposals of cases for the past 10 years.

4 It will be seen from the annexed ~~next~~ statement that 107 Original suits were disposed of during the said period, while the suits filed were 76. The Small cause suits disposed of were 1595 which are 100 more than those filed. The number of disposals of miscellaneous cases under Minor's rules, Succession Certificate Regulation, and Insolvency applications etc., is 711 which is 80 more than those filed.

5 The number of Sessions cases disposed of is 33.

6 As to the quality of the work, I beg leave to be allowed to draw your attention to the fact that all the criminal

appeals filed against my decisions, were dismissed; and that only in two cases the sentence was reduced.

The number of appeals and civil petitions filed during the period is very small. There are only 30 Civil Revision Petitions filed against the decisions in 1595 Small Cause Suits. There are only 13 decrees appealed against out of decrees passed in 107 original suits. Only 10 miscellaneous appeals -- filed, though 711 appealable cases were disposed of. There are only 2 cases (small cause suits) in which the orders were set aside. An order forfeiting bail bond was set aside owing to the defect in the bond. One small cause suit was remanded for further evidence. One decree was modified in respect of interest. Except these all the decisions were confirmed.

As to the clearing of arrears in the office, I beg leave to state that the office was in a state of confusion when I took charge. I had to devote good many hours every day to bring it into order.

The summer vacation of last year was utilised to get through the arrears. The accompanying statement shows the heavy arrears cleared. All the Registers are now maintained in regular order. The judgments in about 30 cases which were ---- closed were written. Almost all the old and contested original suits are disposed of. There are about 9 old cases which are now closed. After finishing these cases which I hope to do very soon the work of the court will be brought up to date.

I, therefore, venture to hope that I have given satisfaction in discharge of my work.

I was given to understand that my promotion would be governed by rule XII etc., of the Civil Service Regulation. When I am on Sub protem I believe, I shall not be permitted to lay claim to any promotion. I cannot afford to lose the service pension.

There is a permanent vacancy caused by the resignation of Mr: J.H.Bhabha. I was appointed Sub protem in his ---- place.

For

13

For these reasons I request you to favour me with your kind support and recommend my case to the Dewan to confirm me in the grade of Assistant commissioner, First class, from the date of my joining duty without any further probation period -- being fixed.

I beg to remain,

Sir,

Yours obediently

S. Hasabba.

Forwarded to the Secretary of the Supreme Court for favorable consideration. Understand is not aware of the terms of Mr. Craggett's appointment and therefore he is unable to say whether the claim to be confirmed is well founded, but he has no objection to place on record that Mr. Craggett has done very good work and has evolved some degree of order out of absolute chaos.

Chief Justice.

March 11th 1911.

Statement of Cases filed and disposed of
Assistant Sessions Judge Bangalore

Nature of Cases &c.	Pending on 9.11.09.	Cases filed from 10-11-09 to 28.2.1911. these included refiled cases	Total for disposal	Disposed of upto 28.2.911	Balance pending on 1.3.911.	Number of cases in which appeals were filed	Number of cases
1	2	3	4	5	6	7	
Original	66	76	142	107	35	13	
Small Causes.	261	1490	1751	1595	156	.	
Execution	354	2076	2430	2049	381		
Miscellaneous	163	632	795	711	84	10	
Sessions Cases.	.	33	33	33	-	13*	
Undisposed & pending	5808	4495	10303	10303			
Arrears in decrees.	399	998	1397	1397			
Cases in which Judgments had to be written.	31						
Register No III	This Register which was incomplete as						
Serial Registers in	Original Small Cause Miscellaneous and opened from 1.7.09 and written up to						

5

in the Court of the Subordinate Judge and Districts in from 10. 11. 1909 to 28. 2. 1911.

in which Civil Revision petition were filed	Number of cases in which judgments were confirmed	Number of cases in which judgments were reversed.	Number of cases in which appeal are pending.	Remarks.
8	9	10	11	12
			13	
30	18	3	8.	First. One case was reversed on the ground of limitation. In the second case where a bail bond was forfeited and the surety fined the fine was setasid owing to the defect in the bond executed by him. In the third case the Chief Court agreed with my conclusion, but said that the proper order was to return the Plaint for presentation to proper Court and not to dismiss the suit. One case was remanded.
	3		7.	
			1	

* The Convictions in all the cases were affirmed. Sentence in two cases was reduced.

brought up to date.

d Exemption were not at all maintained. These have been date.

S. Hayavadana,
9. 3. 1911.

5.

Note
The following are the numbers of the appeals, C. R. P. etc (files) in Chief Court.

No: of Appeals.	No of C. R. Petitions	No of Civ Appeals.
196/09-10.	83/09-10.	145/09-10.
215/	84/.	147/.
235/.	91/.	4/10-11.
261/.	114/.	57/.
65/10-11.	115/.	11/.
78/10-11.	116/.	13/.
79/10-11.	117/.	18/.
93/.	118/.	37/.
142/.	130/.	38/.
144/.	131/.	44/.
145/.	134/.	50/.
154/.	135/.	56/.
159/.	140/.	64/.
	141/.	65/.
	142/.	68/.

39/09-10.	
2/10-11.	
7/.	
15/.	
17/.	
22/.	
31/.	
39/.	
41/.	
53/.	

Statement showing the 12 months average of cases disposed of in the Court of the Subordinate and Assistant Sessions Judge, Bangalore from 10-11-1909 to 28. 2. 1911 (15 months) as compared with the 12 months average of cases disposed of during the last 10 years -

Years	Original Cases	Small Causes	Appeal Cases	Sessions Cases	Total	Average for each month	Average for each year	Remarks.
1899-1900	50	855	86		991			
1900-01	32	800	142		974			
1901-02	40	764	173		977			
1902-03	53	641	139		833			
1903-04	41	884	183		1108			

1904-05	31	944	93	.	1068	81.24	974.8
1905-06	20	714	84	.	818		
1906-07	22	781	.	.	803		
1907-08	34	950	2	.	986		
1908-09	66	1124	.	.	1190		
For 15 months from 10-11-1909 to 28-2-1911.	107	1595	.	33	1732	115.5	1386.0

D. Hasabba.

10.3.1911

D.O. No. 84

Confl

G. R. S.

12th april 1911

Dear Mr Nagappa

With reference to your application dated the 10th march 1911 to the address of the Chief Judge, regarding your conformation in the grade of Asst Comr First class, I am desired to draw your attention to page 11, note 6 of the Rules relating to the Inspre local Service Examinations and Rule 7 of the Civil Service Rules which prescribe the tests which asstt Comrs have to pass.

I believe in your case the Revenue and Registration tests will have to be passed and I shall be glad if you will please let me know whether you have passed them.

Yours sincy

12/4

12/4/11

Confidential.

Subordinate Judge's
Court
Bangalore
13th April 1911.

Dear Mr Balasundaramiyar.

With reference to your D.O.
No 84 (Confidential) dated 12th April 1911,
intimating that I will have to pass
Revenue & Registration tests under rule
6 of the Mysore Local Service Examinations
& rule 7 of the Civil Service Rules, I
beg leave to mention the following
facts in respect of my appointment.

The terms of the D.O. No 433 (Confidential)
dated 10th October 1909, show clearly that

that His Highness graciously condescend
to treat my appointment as an exception
to the Civil Service rules & pleased to
order that my future promotions should
be regulated by rule XII etc of the rules
relating to the Mysore Civil Service.

I beg leave to quote here for convenience
the portion relating to the above.

"The rules of the Mysore Civil Service
may be interpreted as precluding such an
appointment, but in the special circumstan
of your case, His Highness will be willing
to strain a point and to sanction the appointme
if it be acceptable to you. You will ob
an initial pay of Rs 450 per mensem and
You will be ranked as Assistant Commissio
first class. Future promotions will be
regulated by rule XII etc of the rules relating
to the Mysore civil Service published in Government

Proceedings No. G. 8139 dated 27th June 1907.

Rule 7 of the Civil Service applies only to persons who have been admitted into the Mysore Civil Service by competition on a pay of Rs 200/-. This rule has, therefore, no application to the case of persons who have been selected to the rank of Assistant Commissioner, first class. Rule VIII prescribes the period during which an Assistant Commissioner who has passed the prescribed test under rule 7, can rise to the grade of 1st class. Rule XII prescribes a period of 2 years for an Assistant Commissioner 1st class, to qualify him for promotion to the next higher grade. My future promotions should, according to the G.O. quoted above, be regulating by rule XII viz that I am entitled to be promoted to the next higher grade without passing any examination as prescribed under rule 7.

Rule 6 of the Mysore Local Service has no application to my case for the above reasons also to the fact of that rule being enacted nearly a year after my appointment (Vide Not. no 3109, dated 29th September 1910). These rules were framed in supersession of all previous rules which have not been saved by any saving Clause.

That this benign Government treated the case of a Barristers as a special one is clear from the fact of Mr Bhabha Bar-at-Law, being appointed permanently on Rs 450 without insisting upon him to pass the Revenue Registration Exams.

I am a barrister of [illegible] 10 years standing & holder of a certificate of honour first class. I was enrolled an Advocate of High Court, Madras, Chief Court, Mysore & practised in all courts including the revenue Courts in Mysore in Madras Presidency for upwards of 8 years. I served as a non-official member in the Mysore legislative council for more than 3 years where I had an excellent opportunity to be acquainted with the Revenue Law of the State. I have been an Examiner to the Mysore Local Service Examinations.

For these reasons, I humbly pray that I may be confirmed by this benign Government without insisting upon my passing Revenue & Police Training Examinations.

Yours Sincerely B. Narasappa

G.R.S. 28.]

2324
245

Ch File No. 212-10
Serial No. 4.

Diary No. of letter replied to

GENERAL AND REVENUE SECRETARIAT.
(ch)

, *the* 19

Date of issue 26-5-11

Signed by mr S. Nirjanaraja

Proceedings of the Government of His Highness the Maharaja of Mysore.

READ--

Memo dated 11th March 1911 of the Chief Judge in Mysore, forwarding for favourable Consideration an application from Mr B Nagappa Bar-at-Law, Subordinate Judge of Bangalore, praying that he may be Confirmed in his appointment with effect from the date on

over

ORDER THEREON.—No.

SUBJECT.

GPB—10,000—19-4-10

which he joined duty (Mr: [illegible] on the 10th November 1909) ~~for~~ ~~three years' probation period prescribed for him at the time of appointment being cancelled~~ for two years' probation period.

Order thereon No:- J3247-8/CS-212-10-Kg 26-5-11.

~~Govt are of opinion~~ ~~that~~ The question of Mr. Nagappa's Confirmation ~~should~~ will be taken up for consideration at the end of the probationary period. ~~Unless he will~~ They are however ~~allowed to~~ exempted ~~this officer~~ from passing the Local Service tests which he as Assistant Commissioner will have to pass under the Civil Service Rules, Viz Revenue higher and Registration ~~in this case~~

SBV 19/5/11

20/5/11

Secretary

W(1) 18/5/11

To - The Registrar, Chief Comb - Compr to Govt

Govt dtd Cz (122) 17.5.11